



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Health And Human Resources TITLE-SERIES: 69-19
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 69-19 Core Behavioral Health Crisis Services System

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 16-42-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This is a new rule pursuant to the passage of Senate Bill 181 during the 2022 Regular Session of the Legislature.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/24/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2022

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule supports implementation of the state's new 988 crisis hotline center or centers by allowing appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination, deployment of crisis and outgoing services, and linked, flexible services specific to crisis response.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The Legislature found that for the purposes of W. Va. Code 29A-3-15, an emergency exists requiring the promulgation of emergency rules to preserve the public peace, health, safety, or welfare and to prevent substantial harm to the public interest.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The 988 call center will be funded by the DHHR Bureau for Behavioral Health (BBH). Federal funding will be used when available. After funding the call center for two to three years, BBH may need an appropriation to continue funding the 988 call center.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None initially.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

The 988 call center will create up to 25 new jobs and provide a primary contact for crisis services for West Virginia.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			1,863,984
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This estimate was provided by Vibrant Health, the Substance Abuse Mental Health Services Administration (SAMHSA) national contractor for the Suicide Lifeline.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

April L Robertson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 69

LEGISLATIVE RULE

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 19

CORE BEHAVIORAL HEALTH CRISIS SERVICES SYSTEM

§69-19-1. General.

1.1. Scope. -- This legislative rule supports implementation of the state's 988 crisis hotline center or centers by allowing appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination, deployment of crisis and outgoing services, and linked, flexible services specific to crisis response.

1.2. Authority. -- W. Va. Code §16-42-6.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2028.

1.6. Applicability -- This rule applies to any person, partnership, association, or corporation that operates a 988 crisis hotline center in the state and all other persons or entities engaging in services that assist individuals who use the 988 crisis hotline center.

1.7. Enforcement. -- This rule is enforced by the Secretary of the Department of Health and Human Resources or his or her lawful designee.

§69-19-2. Definitions.

2.1. "988 Crisis Hotline Center" or "hotline center" means a state-identified center participating in the National Suicide Prevention Lifeline Network to respond to statewide or regional 988 calls, chats, or texts.

2.2. "BBH" means the Department of Health and Human Resources, Bureau for Behavioral Health.

2.3. "Crisis receiving and stabilization services" means facilities providing short-term (under 24 hours) with capacity for diagnosis, initial management, observation, crisis stabilization, and follow- up referral services to all persons in a home-like environment.

2.4. "Department" means the West Virginia Department of Health and Human Resources.

2.5. "National Suicide Prevention Lifeline" or "NSPL" means the national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week. Membership as an NSPL center requires nationally recognized

certification which includes evidence-based training for all staff and volunteers in the management of calls.

2.6. "Secretary" means the Secretary of the West Virginia Department of Health and Human Resources.

2.7. "Substance Abuse and Mental Health Services Administration" or "SAMHSA" means the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation.

2.8. "Warm transfer" means a process to connect a caller, chatter, or texter with another entity while prioritizing continuity of care by providing an explanation of the call to the receiving entity.

§69-19-3. 988 Crisis Hotline Center.

3.1. Designation of 988 Crisis Hotline Center.

3.1.1. The Secretary shall designate a crisis hotline center or centers every even state fiscal year.

3.1.2. In order to be designated as the state's 988 Crisis Hotline Center shall:

3.1.2.a. Be or have the ability to become a certified, accredited, and licensed crisis center;

3.1.2.b. Be a member or join the NSPL Network as West Virginia's call center;

3.1.2.c. Have the capacity to verify callers statewide through caller identification mechanisms that are immediately documented upon receipt of call and ensure that teletypewriter services for people who are deaf, hard of hearing and/or have a speech impairment are available at all times.

3.1.2.d. In addition to answering calls, have the capacity to answer chats and texts to 988.

3.1.3. If the designated 988 Crisis Hotline Center is unable to perform its duties adequately under any agreements with the state, W. Va. Code §16-42-1 *et seq.*, the duties contained in this rule, or any other state or federal law, the Secretary may:

3.1.3.a. Cancel any contracts, grants, or other agreements with the call center and designate a new 988 Crisis Hotline Center; or

3.1.3.b. Designate additional 988 Crisis Hotline Centers.

3.2. Duties of the 988 Crisis Hotline Center.

3.2.1. In addition to the duties set out in W. Va. Code §16-42-2(b), the 988 Crisis Hotline Center shall:

3.2.1.a. Provide and maintain a toll-free suicide prevention and behavioral health crisis hotline center within the state 24 hours a day, seven days a week;

3.2.1.b. Answer at least 90 percent of calls, chats, and texts coming into the call center by person within 15 seconds;

3.2.1.c. Achieve commitment to safety or initiate emergency response if commitment to safety cannot be ensure during the call, chat, or text;

3.2.1.d. When appropriate, refer individuals using the hotline center by a warm transfer to crisis services, including mobile crisis response services or crisis receiving and stabilization services;

3.2.1.e. Assess all calls, chats, and texts it receives for suicidality using established procedures;

3.2.1.f. Administer follow-up contact, at a minimum, within 48 hours of every initial call, chat, or text, again at one week, at four weeks, and at three months to ensure that the callers, chatters, or texters obtained the services to which they were referred to offer additional supports and to track outcomes.

3.2.2. Training of 988 Crisis Hotline Center Staff.

3.2.2.a. The hotline center shall train its staff in Applied Suicide Intervention Skills Training (ASIST) and any other suicide prevention trainings recommended by the Department or SAMHSA and its 988 subcontractors.

3.2.2.b. The hotline center shall train its staff in cultural competency, motivational interviewing, trauma-informed care, and person-centered care.

3.2.2.c. The hotline center shall ensure and document staff participation in trainings, peer reviews, and meetings as determined by the department.

3.3. The hotline center shall work with 911 call centers or public safety answering points (PSAPs) to develop workflow protocols and warm transfer procedures for designated behavioral health-related calls, chats, or texts between 911 to 988.

3.4. The hotline center may divert a contact to 911 if:

3.4.1. The individual needing intervention is willing and able to provide clarification on their location and receive help;

3.4.2. A third-party is seeking help for someone else and the third-party is reporting an imminent risk of bodily harm or a suicide attempt in progress; or

3.4.3. The contact is not related to the services provided by the hotline center.

§69-19-4. Information sharing.

4.1. The hotline center shall utilize an electronic information, referral and tracking platform that will support immediate connectivity with behavioral health, intellectual and developmental disability, and other providers statewide, making non-electronic connectivity available for providers unable to utilize an electronic system, such that available and qualified providers may be included in the database structure.

4.2. The hotline center shall provide for utilization of a "real-time, live" database, inclusive of all resources, service options, and system capacity in order to maintain an updated directory of regional and local service options, including bed capacity and supports and in both online searchable format for users and printable format for BBH internal use only.

4.3. All information and data collection, maintenance, or sharing must comply with all applicable state and federal privacy laws, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, W. Va. Code §27-3-1 et seq., 47 U.S.C. § 222(d)(4)(A), and 42 C.F.R. Part 2.

§69-19-5. Reporting.

5.1. The designated 988 Crisis Hotline center shall:

5.1.1. Assist the department with preparation of required data reports, including the annual report referenced under §16-42-7 of the W. Va. Code.

5.1.2. Collect and provide documentation of all activities related to the services it provides as required by the Department, SAMHSA, or other national partners.